

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JHOANA JUCA, et al.,

Plaintiffs,

-against-

DAVID C. BANKS, et al.,

Defendants.

USDC SDNY  
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23-CV-3508 (JHR) (BCM)

**ORDER**

**BARBARA MOSES, United States Magistrate Judge.**

For the reasons discussed on the record during today's status conference, it is hereby ORDERED that:

1. Defendants' deadline to answer or otherwise respond to the Complaint is EXTENDED to **September 11, 2023**, subject to further order of the Court.

2. No later than **August 31, 2023**, the parties shall file a joint status update letter which proposes a briefing schedule for any anticipated motion(s) and includes **a single chart, prepared collaboratively**, which presents the following information, for each student, case number, and school year still at issue in this action:

- a. The dollar amount, separated by column, of the (i) tuition, (ii) transportation fees, and/or (iii) nursing fees that plaintiffs contend to be due and owing by the Department of Education (DOE). If all sums previously due and owing for that category have been paid, the chart should so reflect.
- b. With respect to each dollar amount that plaintiffs list as due and owing by DOE, **DOE's position** as to whether that specific amount is in fact due and owing by it. If DOE does not dispute that it owes the stated dollar amount, it shall state, with specificity, **when** it expects to make payment and **what**, if anything, remains to be

done before the payment can be made.<sup>1</sup> If DOE disputes the claim, it shall state, with specificity, the **basis** of its objection. If the objection is based on the lack of in-person attendance records, and if DOE relies upon the language of one of the underlying administrative decisions (which are attached as exhibits to the Complaint) for its position, it shall provide a citation to the relevant exhibit and the specific language therein.

- c. If DOE continues to contend that some of the sums at issue here "are also at issue in four other cases pending before this Court" (Dkt. 31 at ECF p. 4), it shall – on the chart – identify each claim that it believes to be duplicative, as well as the previously-pending action in which it contends that the same claim is at issue.

Dated: New York, New York  
August 1, 2023

**SO ORDERED.**



**BARBARA MOSES**  
**United States Magistrate Judge**

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<sup>1</sup> General language such as "Defendants are working on resolving the outstanding amounts" (*see* Dkt. 31 at ECF p. 5) is not adequate.